IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.18 OF 2005
IN
CIVIL APPLICATION NO.82 OF 2004
IN
FAMILY COURT APPEAL NO. 57 OF 2004

K.R. Ravishankar. ....Applicant.

Vs.

Sou. Hema Ravishankar. ....Respondent.

Mrs. Suhasini Mutalik i/by Jagdish Reddy for the Applicant.

Ms. Sonal i/by Shri. A.K. Bakshi for the Respondent.

CORAM : S.B. MHASE AND
R.S. MOHITE, JJ.

DATED : 4.2.2005

P.C.:

Heard both sides.

2. This is an application to review, modify and clarify the order dated 18.10.2004 passed by this court. But we find that the said order has been confirmed by the Hon'ble Supreme Court and the Supreme Court had extended the time upto 21.11.2004 to hand over the child. The grievance made by the

applicant is that in spite of the order of the Supreme Court, the custody of the child is not handed over. The applicant has made further grievance before this court that because of the pendency of the appeal in this court, the Family Court is not proceeding with the execution proceeding even though the execution proceeding is filed in the said court after non compliance of orders of this court, Hon'ble Supreme Court and also in the backdrop of fact that stay application is rejected. Therefore, we find that this civil application can be disposed of with the clarification that pendency of the appeal in this court shall not in any way affect and/or preclude the Family Court from proceeding with the execution proceeding in accordance with the provisions of law for non compliance of the order and execution of the decree. Ms. Sonal, Advocate for the respondent is not having objection for civil application being disposed of accordingly. Therefore, we dispose of this civil application with clarification that pendency of first appeal shall not have any effect on execution petition pending before Family court. Said Court shall proceed with said proceeding in accordance with law for non compliance of the orders of this court, Apex court and initial decree passed

by Family court.

2. All concerned to act on a copy of this order duly authenticated by the Registry of this court.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**